IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

TAKEN UP WRIT PETITION NO : 11890 of 2002

Between:

Dr. K.L. Vyas, Environmentalist ,R/o. Flat No.112,

Plot No.5, Sowmya Apartments, HUDA, Complex, Saroornagar, Hyderabad.

..... PETITIONER

AND

1. The Mandal Revenue Officer, Puttur, Chittoor District.
2. The Mandal Revenue Officer, Vadamalapet, Chittoor District
3. The Revenue Divisional Officer, Chittoor, Chittoor District.
4. The Mandal Panchayat Officer, Puttur, Chittoor District'
5. The District Development Officer, Chittoor District.
6. The Collector & District Magistrate, Chittoor District.
7. The Member Secretary, AP Pollution Control Board, Hyderabad.
8. The Secretary to Govt. of AP Forest , Energy, Environment, Science and Technology Department, Secretariat, Hyderabad.
9. The Secretary to Govt. of A.P ,Irrigation Dept., Secretariat, Hyderabad
10. The Secretary to Govt. of A.P Panchayat Raj Dept., Secretariat, Hyderabad
11. T. Gangulu, s/o. T.Munaswamy, 65 years,
12. P,. Rajamma, w/o. Varadaiahy, 60 years,
13. N.Ammannai, w/o.Venkatesh, 32 years
14. K.Subramanyam, s/o.Manikyam, 38 years,

15. S.Subramanyam, s/o. Mumaswamy, 47 years
16. S.Munuswamy, s/o.Munuswamy, aged 35 years
17. M.Narasimhulu, s./o.Munuswamy, aged 70 years,
18. M. Krishnaiah, s/o. Muddumandadi, 50 Years
19. T.Subramanyam, s/o.Ramaiah, 38 years
20. D.Nageswara Rao, s/o.Ramaiah, 40 years,
21. T.Ramesh, s/o.Munaswamy, aged 38 years
22. K.Sampoornamma, w/o.Gopal aged 45 years,
23. K.Neeladharam, s/o.Arumugam, agede 38 years
24. T.Chinnamma, w/o.Nadamuni Chetty, 80 years
25. S,.Venkataiah, s/o.Chengaiah, 40 years
26. K.Varma, s/o. Subbaraju , aged 40 years
27. T.Subbaramanyam, s/o.Sanjeevi, aged 40 Years
28. P.subramanyam RAJU, S/O.sUBBA raju, 55 years
29. M.subramanyam , s/o.kuppaiah, aged 50 years
30. P.Vasu, s/o. lthemandadi, Aged 50 years
31. C.Lakshmana Raju, s/o.Venkata Raju, 38 years
32. M.Subbarama Raju, s/o.Gangaraju, aged 52 years,
33. A,Ramanamma, w/o.Subramanyam, 42 years
34. G.Munuswamy, s/o. Aretimandadi, age 50 years
35. P. Narayana Swamy, s/o.Munaswamy, age 46 years
36. B.Doraswamy, s/o.Govindaiah, age 40 years
37. P.Arjunaiah, s/o.Venkataiah, age 50 years
38. B.Adilakshmi, w/o.Subramanyam, age 45 years
39. K.Venkatrama Raju, s/o.Venkama Raju, age 63 years
40. M.Subbulamma, w/o.Venkataiah, age 48 years
41. M.Eswaraiah, s/o.Kuppaiah, age 30 years
42. B.Munirathnam, s/o.Venkataiah, 53 years
43. K.Munemma, w/o.Arumugam, age 60 years
44. T.Hari, s/o.Govindaiah, age 38 years

45. T.Govindaiah, s/o.Venkatesh, age 70 years

46. V.Chinnamma, w/o.Varalu, age 40 years

47. V.Seenaiah, s/o.Mangaiah, age 55 years

48. V.Munikrishnaiah, s/o.Mangaiah, age 60 years

49. V.Anasuya, D/o. I.L.Naidu, age 40 years

50. T. Harinadh, s/o.Munaswamy, age 52 years

51. P. Babu, s/o.Chennappa age 40 years

52. G.Sreehari Raju, s/o.Venkat Raju, age 61` years

53. R.Chandra Sekhar Raju, s/o.Subba Raju, age 55 years

54. R.Muni Raju, s/o.Ramachandra Raju, age 30 years

55. M.Rama Raju, s/o.Mannachi Raju, age 62 years

56. G. Subbaragava Raju, s/o. Narayana Rajuaged 65 years

57. V.Chengal Raju, s/o.Naga Raju, age 76 years

Petitioners 11 to 57 are resudebts of S.B.R. Puram Village,

Vadamalpet Mandal, Chittoor District.

R.11 to R.57 are impleaded as per Court order

Dated 12-6-2003 in WPMP No. 13483 of 2003

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus calling for remarks and records from the respondents herein, and connected to the extinction of Gullur Lake situated in Taduku village of Chittoor District, extends about 439 acres, which is perennial source of water for 20 villages, built 350 years ago, which was facing the danger of extinction due to: 1) Official apathy and inaction; 2) Illegal encroachment of the Lake bed; 3) laying roads, construction of house in the Lake area; and 4) Removal of lake water on account of which people of 20 surrounding villages have been struggling from last 10 years to protect this lake but no results have been achieved so far and to pass orders directing the concerned authorities to take necessary steps; 1) to protect, preserve and conserve the lake; to demarcate lake boundaries; to remove all illegal encroachments; to de-silt the lake to increase its water holding capacity; to develop greenery on shore-line; to promote economic activities 9lie fishing) to increase employment potential and to strengthen the lake bund in the interest of public;

Counsel for the Petitioners: PARTY-IN-PERSON (Not present)

Counsel for the Respondent Nos 1to6& 8to10.: GP FOR REVENUE

Counsel for the Respondent No.7: MR E. KALYAN RAM, ADVOCATE

Counsel for the Respondent Nos.11to 57:MR V.JAGAPATHI,ADVOCATE

The Court made the following :

ORAL ORDER : (per Hon'ble the Chief Justice).

This petition was registered on the basis of letter received from Dr K.L.Vyas, Environmentalist, being public interest litigation. Legal assistance was given and Dr. C.Subbarao had been appearing for the petitioner. Considering the averments made in the petition, directions were earlier issued which later on were recalled and fresh report was called for from the District Collector, Chittoor. On 12-04-2004 Dr.C.Subbarao, learned counsel for petitioner appeared and prayed that he may be relieved from appearing in the case since the petitioner seems to have no stakes in the matter. Accordingly, the name of Dr C. Subbarao, had been deleted. Petitioner thereafter has not taken any interest in the matter.

District Collector, Chittoor, had sent his latest report dated 09th June 2004 pursuant to the orders passed by this Court on 18-12-2003 in Writ Petitions Nos.25382 of 2003 and 25385 of 2003. Those petitions came to be filed after orders were passed in this writ petition calling for the report and directing the Collector to ensure compliance of the orders. Now the Collector has reported that the houses and sheds in Sy.Nos.196/10, 11, 12 & 13 and Sy. No. 245/1,2,3 & 4 were constructed 20 years ago by the persons who purchased patta lands from the pattadars in the eastern side of the village and will not diminish the water storage capacity of Gullur tank. Even if the tank receives water upto full capacity, the water never enters the houses and sheds since the level of the houses is higher than the surplus level of the tank. In that view of the matter, no further directions deserve to be issued in this writ petition.

Accordingly, writ petition stands closed.

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DEVINDER GUPTA, C.J.

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G. ROHINI, J.

13-7- 2004

Kvrk

To

1. The Mandal Revenue Officer, Puttur, Chittoor District.
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9. The Secretary to Govt. of A.P, Irrigation Dept., Secretariat, Hyderabad.
10. The Secretary to Govt. of A.P Panchayat Raj Dept., Secretariat, Hyderabad.

11. Two CCs to G.P. for Revenue, High Court Buildings, Hyd. (OUT)

12. The Special Officer, Public Interest Litigation Cell, High Court

13. The Secretary, A.P.S.Legal Aid and Advisery Board, High Court Buildings, Hyderabad.

14. The Secretary to Government of A.P., Home Department, Secretariat, Hyderabad.

15. Two CD copies.